

REMARKS

The Examiner has issued an Official Action requiring restriction between five groups of inventions. The groups identified by the Examiner are:

Group I: Claims 1-8 and 79 drawn to a compound of formula (I);

Group II: Claims 9-69 and 79-80 drawn to a compound classified in class 548;

Group III: Claims 70-78 drawn to a method of use of a compound;

Group IV: Claims 81-86 drawn to a process for preparing a compound classified in class 548; and

Group V: Claim 87 drawn to another process for preparing a compound classified in class 548.

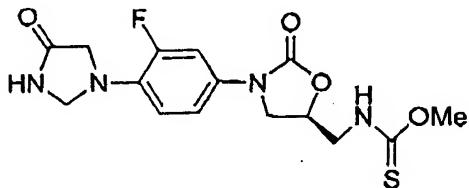
Applicants respectfully traverse this restriction requirement. As stated in the previous response, applicants consider that all of the claims define a single invention and therefore, the provisions of 35 USC 121 do not apply. It is known that patents claiming compounds also include claims defining compositions containing the compounds, methods for using the compounds and methods for preparing the compounds.

The claims of groups I and II should be examined together because of the overlap between claim 1 and claim 9.

The method of use claims of group III should also be examined with the compound claims of groups I and II because 1) if the compound claims are novel and nonobvious, the use of the compounds to inhibit the growth of bacteria is also novel and nonobvious and 2) the method of treatment claims define inhibiting the growth of bacteria and do not define unrelated conditions.

The process claims 81-87 define specific groups of compounds of formula I and therefore, should also be examined with the claims of groups I, II and III.

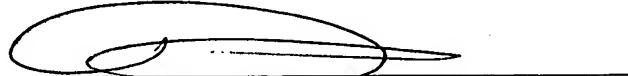
To expedite prosecution applicants provisionally elect the claims of group I-Claims 1-8 and 79 drawn to a compound of formula (I). As the species, the compound of example 176 is elected.



Applicants preserve all rights to file one or more divisional applications directed to the subject matter of the nonelected claims and/or any other subject matter disclosed in the specification.

Applicants submit that the present application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,



JANET I CORD
LADAS & PARRY LLP
26 West 61st. Street
New York, New York 10023
Reg. 33,778
Tel. (212) 708-1935